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Attn: Peter A. Meisels, Esq.

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Daniel B. Fix, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x Civil No.: 14-CV-6017 (CS)

KENNETH M. HERVOCHON,

Plaintiff, :

-against- :

IONA COLLEGE, :

Defendant/Third-Party Plaintiff, :

-against- :

HENNESSEY CONSTRUCTION CO., INC., :

Third-Party Defendant/
Fourth-Party Plaintiff :

-against- :

GOTHAM INSURANCE COMPANY, :

Fourth-Party Defendant :

----- x IONA COLLEGE, :

Defendant/Third-Party Plaintiff/
Second Third-Party Plaintiff, :

-against- :

GOTHAM INSURANCE COMPANY, :

Second Third-Party Defendant. :

----- x **DECLARATION OF PETER A.
MEISELS IN SUPPORT OF MOTION
IN LIMINE BY IONA COLLEGE FOR
ENTRY OF JUDGMENT OVER AND
AGAINST GOTHAM INSURANCE
COMPANY**

PETER A. MEISELS, an attorney admitted to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York, hereby declares, under penalty of perjury, and pursuant to 28 U.S.C. §1746, as follows.

1. I am a Partner of the law firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for Defendant/Third-Party Plaintiff/Second Third-Party Plaintiff, Iona College (“Iona”), in the above-captioned action.

2. I submit this declaration in support of Iona’s motion *in limine*, for: (i) an Order, directing that any judgment entered against Iona in this action in favor of the plaintiff shall also be entered against Gotham Insurance Company (“Gotham”), plus interest, costs and disbursements; (ii) an Order, directing that after a final judgment is entered in the plaintiff’s action that judgment be entered against Gotham for the reasonable costs, disbursements and legal fees incurred by Iona in defending the plaintiff’s action, plus interest, in an amount to be determined on a date set by the Court; and (iii) for such other, further and different relief as the Court in its discretion may deem just and appropriate.

3. I have knowledge of the facts set forth below based on my representation of the City in this action and my review of relevant documentation.

4. Annexed hereto as **Exhibit A** are relevant pages from the transcript of the Court’s decision on the motions for summary judgment, issued March 16, 2017.

5. For ease of reference, annexed hereto as **Exhibit B** is a copy of the Order in *Conte v. County of Nassau, et al.*, 2:06-cv-04746 (JFB) (ARL) (E.D.N.Y., May 4, 2017) [ECF No. 747].

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